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[10121/01601]

#18FME  
OR  
2/20/4**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : James F. McGUCKIN  
Serial No. : 09/697,306  
Filed : October 27, 2000  
For : SURGICAL APPARATUS AND METHOD  
Art Unit : 3761  
Examiner : G. Dawson

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Mail Stop: AF

**RESPONSE UNDER RULE 116**

SIR:

In response to the Office Action mailed November 7, 2003, in the above-identified application, please consider the following remarks:

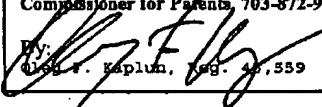
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WWW.FKMIPLAW.COM**FACSIMILE COVER SHEET**FAX NO : 703-872-9306  
TO : Commissioner for Patents  
Mail Stop: AFFROM : Oleg F. Kaplun, Esq.  
Reg. 45,559

DATE : February 6, 2004

Certificate of Facsimile Transmission Under 37 CFR 1.8I hereby certify that this paper is being facsimile transmitted to the  
Commissioner for Patents, 703-872-9306 on the date shown below:By:   
Oleg F. Kaplun, Esq., Reg. 45,559

Date: February 6, 2004

SUBJECT : U.S. Patent Application for *Surgical Apparatus and Method*  
Serial No. 09/697,306  
Our Ref.: 10121/01601

NUMBER OF PAGES INCLUDING COVER : 12

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**MESSAGE:****URGENT** - Please see the attached Rule 116 Response.

IF ANY PAGES WERE NOT RECEIVED OR ARE ILLEGIBLE, PLEASE CALL (212) 619-6000 AS SOON AS POSSIBLE

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